

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

NUANCE COMMUNICATIONS, INC.,

Plaintiff and Counterclaim  
Defendant,

v.

OMILIA NATURAL LANGUAGE  
SOLUTIONS, LTD.,

Defendant and Counterclaim  
Plaintiff.

Case No. 1:19-CV-11438-PBS

**DECLARATION OF DANIEL S. STERNBERG  
IN SUPPORT OF OMILIA'S MOTION TO SUPPLEMENT  
ITS PRELIMINARY NON-INFRINGEMENT AND INVALIDITY CONTENTIONS**

I, Daniel S. Sternberg, declare:

1. I am an active member of the State Bar of Massachusetts and am admitted to practice before the United States District Court for the District of Massachusetts. I am an associate with the law firm of White & Case LLP, attorneys of record for Omilia Natural Language Solutions, Ltd. ("Omilia") in this action. I have personal knowledge of the facts stated in this declaration and if called as a witness, I could and would competently testify about them.

2. Attached as **Exhibit A** is a true and correct copy of Omilia's proposed Second Supplemental Non-Infringement and Invalidity Contentions.

3. In preparing its early prior art contentions, Omilia commissioned two professional prior art searches as well as additional prior art searches and review of the public prosecution history files by counsel. However, the added prior art references were not located in either of those searches.

4. On August 6, 2020, Omilia's voice recognition technology consultant identified the following two prior arts as relevant and notified Omilia of their relevance to the '993 patent: Helmer Strik, *Modeling pronunciation variation for ASR: A survey of the literature*, 1999, and Florian Schiel, et al., *Statistical Modelling of Pronunciation: It's not the Model, It's the Data*, 1998.

5. On October 25, 2020, while Omilia was preparing its Second Supplemental Contentions, its voice recognition technology consultant further located an additional prior art reference, Jain, et al., *Creating Speaker-Specific Phonetic Templates with a Speaker-Independent Phonetic Recognizer: Implications for Voice Dialing*, IEEE International Conference on Acoustics, Speech, and Signal Processing Conference Proceedings, 881-884 (1996).

6. In addition, while Omilia was preparing its Second Supplemental Contentions and reviewing Nuance's response to Omilia's Interrogatory No. 9, Omilia identified various additional 35 U.S.C. § 112 bases for invalidity based on Nuance's interpretation of the claims and assertion of infringement in response to Omilia's Interrogatory No. 9.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 30TH day of October, 2020.

/s/ Daniel S. Sternberg  
Daniel S. Sternberg

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on October 30, 2020, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5.4 (c).

*/s/ Daniel S. Sternberg*  
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Daniel S. Sternberg